

**Amendment No. 5 to HB1849**

**Jones, S.**  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1770**

**House Bill No. 1849\***

by deleting all language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 37, is amended by adding Sections 2 through 4 as a new Chapter to be appropriately designated.

SECTION 2. (37-\_\_-\_\_) Legislative intent-Goal of program- Criteria for Eligibility-Funding.

(a) The General Assembly recognizes that children who have been abused, who are dependent or neglected, or whose parents, for whatever reason, may be unable or unwilling to provide for their children's care are best served when they can be cared for by other suitable members of their families instead of placing those children in foster care with the state of Tennessee. It is further recognized that, while those relatives are often willing to provide for the care of children who can no longer remain with their parents, there may exist financial obstacles to the provision of such relative care, or there may be a need for other services to enable the children to remain with relatives in order to prevent those children's entry into the foster care system. It is the intent of the general assembly to assess, through the pilot program established by this chapter, the state's ability to assist families in providing care for related children so that those children need not come into the state's foster care system.

(b)(1) Subject to the availability of funding, the department of children's services shall establish and administer a series of pilot programs in Davidson and Shelby counties and in a rural county in each grand division of the state. The pilot programs are to provide financial assistance and certain services to persons who are providing for the

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care of relative children who have been placed in their temporary legal custody by an appropriate court in the state of Tennessee.

(2) A group of contiguous rural counties may submit a single proposal resulting in more than three (3) rural counties being served. Each proposal from Davidson and Shelby county and from the three (3) rural counties, or groups of rural counties, shall be evaluated by the department of children's services with regard to the quality of the programs and the numbers of families to be served.

(3) Two hundred fifty thousand dollars (\$250,000) shall be allocated for the rural programs. Funding for the pilot programs in the urban areas of Shelby and Davidson counties shall be based on the percentage of foster care cases for children in state care as of July 1, 1999 relative to the total dollars available for the urban projects.

(c)(1) Subject to availability of funding, and as may be permitted by federal law or regulations governing the department of human services' Title IV-A block grant, the department of human services is specifically authorized to provide funding assistance from its Title IV-A block grant to the department of children's services for the development and operation of the pilot programs established pursuant to this part by providing available funds which are not otherwise committed to or necessary for the provision of Families First services provided pursuant to Title 71, Chapter 3, Part 1.

(2) Notwithstanding the provisions of any law to the contrary, the use of funds from the department of human services' Title IV-A block grant for the operation of the pilot programs established by this part shall not be subject to any limitations regarding

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the number of pilot projects operated as part of that department's Families First program pursuant to Title 71, Chapter 3, Part 1.

(d)(1) In order to receive financial assistance or services under this part:

(A) The related child shall be in the temporary legal custody of qualified relatives;

(B) The qualified relatives shall be within the first, second, or third degree of relationship of the parent or must be a stepparent of the child. Relationship may be established through blood, marriage, or adoption. Applicable relatives include: grandparents, great-grandparents, aunts, uncles, age-appropriate siblings, great aunts or great uncles, age-appropriate first cousins, and great-great-grandparents; and

(C) The relative caregivers must also meet a means test as established by the department of children's services, in consultation with the department of human services. The relative caregiver shall not have a total family income that exceeds more than twice the federal poverty level adjusted for family size. To receive financial assistance, a relative family earning more than twice the federal poverty level adjusted for family size will not be eligible for financial assistance. The relative caregiver shall also meet such other eligibility criteria to be determined by the department of children's services.

(D) If an adult relative caregiver is included in a Families First assistance group, the services offered may not duplicate services the adult may be receiving pursuant to the Families First program.

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(2) Additional services available to all qualified relatives may include child care, counseling, referral to other services, parenting classes, support groups, respite care, homemaker services, and transportation.

(3) Total funding for the provisions of financial assistance and services pursuant to this part shall be capped and shall not exceed two million dollars (\$2,000,000) per year during the pilot program's existence.

(e) The pilot program may receive referrals from juvenile courts, from social services agencies in the pilot counties, from the department of human services, or the program may be accessed directly by the relatives of the affected children by application made to the department of children's services by the children's relatives.

(f) The department of children's services may provide any services necessary to effectuate the purposes of this part by contract with any person or with any public or private entity.

SECTION 3. (37-\_\_-\_\_) Rules and Regulations. The departments of children's services and human services shall have authority to promulgate any rules necessary to implement the program established pursuant to this part by public necessity rules; provided, that permanent rules shall be implemented pursuant to the requirements of the Administrative Procedures Act, Title 4, Chapter 5.

SECTION 4. (37-\_\_-\_\_) The department of children's services shall submit a report of the outcomes associated with the relative caregiver program to the chairs of the house child and family affairs committee; the senate general welfare, health, and human resources committee;

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the chairs of the senate and house finance committees; and the select committee on children and youth on or before January 15, 2002.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming law for the purposes of promulgating any rules necessary for its implementation, and for all other purposes on July 1, 2000, the public welfare requiring it, and shall be repealed on June 30, 2002, unless further extended by the General Assembly.